

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 417 Failure to Redeliver Hired Vehicles

SPONSOR(S): Culp

TIED BILLS: **IDEN./SIM. BILLS:** SB 1008

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security & Public Safety</u>	<u>11 Y, 0 N</u>	<u>Padgett</u>	<u>Kramer</u>
2) <u>Safety & Security Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
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5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Currently, s. 817.52, F.S. provides that a person commits a third degree felony if a person rents a motor vehicle and, with intent to defraud, abandons or willfully refuses to return the rented motor vehicle. There are no provisions which specify when law enforcement must accept a report of an unreturned rental vehicle, what information is necessary to report an unreturned vehicle, nor any requirement that information about the vehicle be entered into a database.

HB 417 provides that a photo of the person who rented the vehicle is not required to file a report of an unreturned vehicle. Furthermore, the bill requires that law enforcement accept a report of unreturned rented motor vehicle without a photo of the person who rented the vehicle. The bill also requires law enforcement to enter the vehicle's information into the National Crime Information Center (NCIC) and Florida Crime Information Center (FCIC) databases.

The bill does not appear to have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility: The bill requires law enforcement to accept a report of an unreturned rental vehicle without a photo of the person who rented the vehicle. The bill also requires law enforcement to enter the stolen vehicle information in both the national and Florida criminal databases.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 817.52, F.S. provides that a person commits a third degree felony¹ if a person rents a motor vehicle and, with intent to defraud, abandons or willfully refuses to return the rented motor vehicle. There are no provisions which specify when law enforcement must accept a report of an unreturned rental vehicle, what information is necessary to report an unreturned vehicle, nor any requirement that information about the vehicle be entered into a database.

The Tampa Police Department Standard Operating Procedure 322.2 provides that the Tampa Police Department and the Hillsborough County State Attorney's Office have a joint policy that provides there will be no report, investigation, or prosecution of failure to return rental vehicles or other rental property with the intent to defraud unless the rental agency obtains certain information and assists in the investigation. According to these procedures, the Hillsborough County State Attorney's Office specifically requires rental agencies be able to positively identify the suspect who rented the vehicle and to provide documentation of the suspect's name, height, weight, date of birth, home address, telephone number, and a photocopy of the suspect's driver's license. If the rental agency is unable to provide this information, the case is deemed a civil matter.

HB 417 provides that a photo of the person who rented the vehicle is not required to file a report of an unreturned vehicle with law enforcement. Furthermore, the bill requires that law enforcement accept a report of unreturned rented motor vehicle without a photo of the person who rented the vehicle. The bill also requires law enforcement to enter the vehicle's information into the National Crime Information Center (NCIC) and Florida Crime Information Center (FCIC) databases.

C. SECTION DIRECTORY:

Section 1 Amending s. 817.52, F.S., relating to criminal penalties for failure to return hired vehicles.

Section 2 Provides effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ Sections 775.082, 775.083, 775.084, F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

To the extent that this bill requires local law enforcement to accept a report of theft of a motor vehicle in cases which they would not currently accept such a report, there may be an additional workload.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

NCIC/FCIC will not accept entries for failure to redeliver hired vehicles. The vehicles must be listed as stolen. The bill requires law enforcement to enter a report of failure to redeliver a hired vehicle in NCIC/FCIC, which is technically not possible.

HB 87 inserts a comma at line 22 following the word, "abandon." The word "abandon" is paired with the words "or willfully" and does not appear to be intended as part of a list. It appears the comma should be removed to maintain the apparent meaning that a person must have the intent to defraud if the person either abandons or refuses to return a rented motor vehicle.

D. STATEMENT OF THE SPONSOR

The bill will allow rental car companies to submit a report of stolen vehicles without the requirement of a photo I.D.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 19, 2008, the Committee on Homeland Security & Public Safety adopted a strike-all amendment to the bill. The amendment makes the following changes:

- provides law enforcement agencies may not require any information not listed by this subsection to report the failure to redeliver a hired vehicle
- requires law enforcement agencies report the hired vehicle as stolen in NCIC/FCIC